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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 KELLY D. WHITTENBURG,

12 Plaintiff,

13 v.

14 JO ANNE B. BARNHART,
15 Commissioner of
Social Security,

16 Defendant.
17

CASE NO. 2:05-CV-0733-DAD

STIPULATION AND ORDER
REMANDING THE CASE AND
DIRECTING THE CLERK TO
ENTER JUDGMENT

18 IT IS HEREBY STIPULATED by the parties, through their
19 undersigned attorneys, and with the approval of the Court as
20 provided below, that the Commissioner has agreed to a voluntary
21 remand of this case pursuant to sentence four of 42 U.S.C. §
22 405(g) for further proceedings. On remand, the administrative
23 law judge (ALJ) will acquire testimony from a medical expert
24 regarding the date of onset of disability. The Appeals Council
25 will direct that only the period prior to July 30, 2004 be
26 considered. Also, the ALJ will be directed to evaluate obesity
27 in conjunction with the proceedings on remand.

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1 It is further stipulated that the Clerk shall enter a
2 separate judgment, as provided for under Rules 58 and 79(a) of
3 the Federal Rules of Civil Procedure, pursuant to Shalala v.
4 Schaefer, 509 U.S. 292, 113 S. Ct. 2625 (1993).

5 The parties further stipulate that Plaintiff's counsel
6 shall furnish to Defendant's counsel, and Defendant's counsel
7 maintain, a facsimile of this stipulation bearing counsel's
8 signature, and that Defendant shall e-file the document pursuant
9 to applicable local rules.

10 DATED: April 27, 2006

By: /s/ Harvey J. Sackett

HARVEY J. SACKETT

Attorney at Law

Attorney for Plaintiff

13 DATED: April 28, 2006

McGREGOR W. SCOTT

United States Attorney

BOBBIE J. MONTOYA

Assistant U.S. Attorney

16 By: /s/ Bobbie J. Montoya for

CARYN L. GOOT

Special Assistant U. S. Attorney

Attorneys for Defendant

19 OF COUNSEL:

LUCILLE GONZALES MEIS

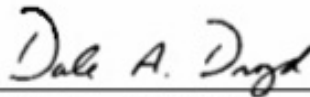
Chief Counsel, Region IX

U.S. Social Security Administration

22 ORDER

23 APPROVED AND SO ORDERED.

24 DATED: May 1, 2006.

25 

26 DALE A. DROZD

27 UNITED STATES MAGISTRATE JUDGE

28 Ddad1/orders.socsec/whittenburg0733.stipord